



## Update on interim decisions concerning member States' borders with Belarus

The European Court of Human Rights has received several requests for interim measures since August 2021 from individuals at the Belarusian borders with Council of Europe member States (Belarus is not itself a member). In most of those cases, the applicants were in Poland or claimed to be on Polish territory allegedly with a view to seeking international protection, and their requests fell under Article 3 (prohibition on inhuman or degrading treatment) and Article 2 (right to life) of the European Convention.

In total between 20 August 2021 and 18 February 2022, the Court dealt with requests for interim measures in 69 applications brought by a total of 270 applicants.

Rule 39 measures are still in force in 12 applications (11 against Poland and one against Lithuania). A total of 48 of the 69 applications in which Rule 39 requests have been processed are pending before the Court.

Since August 2021 the Court has ruled on requests for interim measures in 65 applications involving Poland, three applications involving Lithuania and one application involving Latvia. Overall, the Court applied interim measures in 65 of the 69 applications.

In the majority of those requests, where the applicants were or claimed to be in the relevant member State, the Court stated that they should not be removed for given periods, with questions sent to the parties. In ten applications such an interim measure was extended, although in two of those the measure was subsequently lifted.

In four of the applications involving Poland, requests for interim measures were rejected.

In 50 of the cases concerning **Poland**, the interim measures were lifted or not extended. Mainly, this was a result of the applicants' representatives having lost touch with the applicants, their having left Poland, or a failure to respond to the Court's correspondence. In some of the cases applications for international protection were being examined, prompting the Court's lifting of interim measures, mainly since December 2021. Twenty-one of the applications have since been struck out of the Court's list of cases.

In the case involving **Latvia** (no. 42165/21), the interim measure was lifted as some of the applicants were in that State but some were no longer near the border.

Regarding **Lithuania**, in two cases (no. 44205/21 and no. 61159/21) the Court did not extend the interim measure, in the former owing to assurances received from the Lithuanian authorities.

Interim measures are still in force in 12 applications (11 against Poland and one against Lithuania). A total of 48 of the 69 applications in which Rule 39 requests have been processed are pending before the Court.

Interim measures are also still in force in *R.A. and Others v. Poland* (no. 42120/21), notification of which was given to the Government of Poland in September 2021 (see the relevant [press release](#)).

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Measures under Rule 39 of the [Rules of Court](#) are decided in connection with proceedings before the Court, without prejudging any subsequent decisions on the admissibility or merits of the case. The Court grants such requests only on an exceptional basis, when the applicants would otherwise face a real risk of irreversible harm. For further information, see [the factsheet on interim measures](#).

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**The European Court of Human Rights** was set up in Strasbourg by the Council of Europe Member States in 1959 to deal with alleged violations of the 1950 European Convention on Human Rights.